

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL
WRIT PETITION NO. 520 OF 2006 (MS)

1. Mr. Manavinder Singh, S/o late Mr. Mukhinder Singh, R/o 29, Nizamuddin East, New Delhi.
2. Mrs. Sagri Singh, wife of Sri Manavinder Singh, R/o 29, Nizamuddin East New Delhi.

Both the petitioners through their power of attorney Amar Singh, S/o Sri Suvesh Singh, R/o House No. 46 Shahid Bhagat Singh, Coloney Adhoiwala, Dehradun.

.....Petitioners.

Versus

1. The Executive Engineer, Irrigation Department Dehradun, Uttaranchal.
2. State of Uttaranchal, through its Secretary, Irrigation Secretariat, Rajpur Road, Dehradun, Uttaranchal

.....Respondents.

Mr. Arvind Vashisth, Advocate for the petitioner.

Learned Standing Counsel for the respondents.

Dated: 06.05.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Arvind Vashisth, Advocate for the petitioner and learned Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated dated 02.05.2006 passed by the Incharge Civil Judge (Senior Division) Dehradun on the application for interim relief in O.S. No. 119 of 2006

Manavendra Singh and another Vs. Executive Engineer and others and allow the application of the petitioners for interim injunction restraining the respondents not to interfere in petitioner's possession during the pendency of the original suit.

As will appear from the order dated 2nd May, 2006, no final order has been passed and only the service was not affected and as such the petitioner was required to take steps and as such there is no occasion to quash the order dated 02.05.2006

Briefly stated, the suit was filed by the petitioner praying for permanent injunction not to interfere in the property of the petitioner. He has also filed an application under Order 39 Rule 1 C.P.C.

A perusal of the order shows that the notice was directed to be served upon the petitioner. Petitioner apprehends that due to the fact that the application under Order 39 Rule 1 C.P.C. has not yet been disposed of and he shall be dispossessed or the building shall be demolished without due process of law.

In view of the above, Civil Judge, Sr. Division, Dehradun is, therefore, directed to dispose of the injunction application within a period of thirty days from the date of production of the certified copy of the order. In the meantime, both the parties shall maintain status quo.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

06.05.2006

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